

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1723 OF 2007

Mrs. Deepali w/o Harsha Dhanuka ..Petitioner
Vs.
Shri Harsh s/o Rajendraprasad Dhanuka
and anr. ..Respondents

Mr. A.S. Band for the petitioner.
Mr. P.A. Pol, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : September 17, 2007.

P.C.:

. The learned counsel for the petitioner confined his arguments only for directions to expedite the trial in Criminal Case No. 831 of 2005 and obviously his challenge to the order passed by the learned Metropolitan Magistrate on 6/2/2007 rejecting his application for discharge would lie before the Sessions Court by way of Revision under Section 397 of Cr.P.C.

. The pending case is not old enough to issue the directions by invoking the powers under Section

483 of Cr.P.C. and it is obvious that the petitioner appeared for the first time on 14/2/2006 and on 23/9/2007 he had applied for being discharged under Section 245 of Cr.P.C. and the said application came to be decided on 6/2/2007. It cannot be accepted that there has been inordinate delay in the trial of the case and it appears that it is the petitioner who may be responsible for the pendency of the case.

. Hence the petition is disposed as withdrawn with liberty as is available in law.

(B.H. Marlapalle, J.)